

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

EDWARD THOMAS KENNEDY,
Plaintiff-Appellant

v.

**JOSEPH N. HANNA, JOHN DOE NO. 1, JOHN DOE
NO. 2, COUNTY OF LEHIGH, PHILLIPS
ARMSTRONG, EDGARDO COLON, UPPER
MACUNGIE TOWNSHIP, ROBERT IBACH,
STEPHEN J. MARSHALL,**
Defendants-Appellees

2018-2203

Appeal from the United States District Court for the
Eastern District of Pennsylvania in No. 5:18-cv-00977-
CDJ, Judge C. Darnell Jones II.

ON MOTION

PER CURIAM.

ORDER

On September 11, 2018, this court directed the parties
to respond as to whether this appeal should be trans-

FILED

NOV 05 2018

KATE E. B. CLARK, Clerk
By: [Signature] Dep. Clerk

ferred or dismissed. The appellees respond and move to dismiss this appeal. Edward Thomas Kennedy responds to the show cause order and the motion to dismiss, objecting to filings in this case and contending that the defendants have “exceeded their jurisdiction.”

Mr. Kennedy filed the operative complaint at the United States District Court for the Eastern District of Pennsylvania seeking damages against a municipality and local police officers in connection with his arrests in June and August 2017. Specifically, his allegations included assault, battery, and trespass by police officers and that the municipalities also were liable via respondeat superior, violations of 42 U.S.C. § 1983 by the police officers and municipalities, breach of fiduciary duty and kidnapping by certain appellees, and violations of 18 U.S.C. § 1962 against a municipality. The appellees filed motions to dismiss, which remain pending. Mr. Kennedy moved for summary judgment and twice for partial summary judgment. Each of those motions was denied for being improperly filed. In response to the most recent denial, Mr. Kennedy filed this appeal. The district court has entered an order placing the case “in suspense pending resolution of [Mr. Kennedy]’s outstanding appeal.”

The appellees correctly note that this court lacks jurisdiction over this case. With regard to appeals from federal district courts, this court ordinarily only has jurisdiction in cases that arise under the patent laws or money-damages claims against the United States, 28 U.S.C. § 1295(a)(1)–(2), which clearly is not the case here. Moreover, Mr. Kennedy has not requested that this court transfer the appeal under 28 U.S.C. § 1631 to the United States Court of Appeals for the Third Circuit. Nor do we see any basis for doing so in light of the fact that there currently is no final judgment in the case.

Accordingly,

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IT IS ORDERED THAT:

- (1) The stay is lifted, and the motion to dismiss is granted. The appeal is dismissed.
- (2) Each side shall bear its own costs.

FOR THE COURT

Nov. 5, 2018
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court

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ISSUED AS A MANDATE: November 5, 2018